

## **ACTION MINUTES**

### **LAND USE & COMMUNITY DEVELOPMENT COMMITTEE**

January 17, 2008

**MEMBERS PRESENT:** Louis Boitano, Supervisor, District IV  
Brian Oneto, Supervisor, District V

Supervisor Boitano called the meeting to order at 9:10 a.m.

**AGENDA:** Approved

**CORRESPONDENCE:** None.

**APPROVAL OF MINUTES:** The minutes of the October 18, 2007 and December 20, 2007 meetings were not approved due to Supervisor Boitano being absent at the December meeting and change in Committee membership.

**PUBLIC MATTERS NOT ON THE AGENDA:** None.

**ITEM 1. US FOREST SERVICE/SIERRA RECREATION MANAGERS APPEAL OF FOUR NOTICES OF VIOLATIONS AND ASSOCIATED COST RECOVERY FEES--Environmental Health**

(Present: Mike Israel and Lance Salisbury, Environmental Health; Roger Ross, USFS; Bill Cramer, Sierra Recreation Managers)

Mr. Cramer said he regretted the fact that the County did not work with him and approach him prior to issuing the notices of violation. Since he pays fees, he expects some service from the County in return. He said with better communication many of the issues could have been resolved.

Mr. Ross said he felt the charges billed by Environmental Health were excessive. He was willing to pay for technical service but had a problem paying for County employee time reviewing files. USFS personnel, as well as County personnel, dealing with the water system program have changed several times over the years. Mr. Ross felt he has no control over what happened under someone else's watch and should not be penalized for it. He wanted to put previous matters in the past and move forward and deal with the issues that are occurring now.

Lance Salisbury said the violations and time spent drafting the violations were issued for failure to submit applications for amended water supply permits, failure to submit technical reports, failure to received amended permits before modifying, adding to or changing the sources of supply and distribution systems, and monitoring and reporting violations. The USFS was not issued administrative penalties for these violations, but was billed for the costs the Department expended in conducting file reviews and the enforcement actions. The cost recovery charges date back to 2006 at which time the USFS was not complying with directives. In 2007 there

were no problems.

Mike Israel said Environmental Health staff has spent time dealing with enforcement actions and based on direction from the CAO billed the USFS for that time. The fees adopted in 1994 did not support the water program. At that time request was made to keep the fees low and charge for additional work. In 2006 when the fee schedule was revised, the Board made the same decision. Up until a year and a half ago, the water program was supplemented with augmentation monies which was used to reimburse staff time spent on enforcement activities. With the loss of the augmentation funds, the Environmental Health Department was directed by the CAO to seek cost recovery for Environmental Health staff, County Counsel and Department of Health Services, Office of Drinking Water staff time. If the cost recovery does not come from the USFS, it will come out of realignment monies.

**Committee Action:** The Committee agreed to waive penalties and reduce the fees to \$2000.00. The Committee further urged the parties to work on better communication. Environmental Health is to issue a revised invoice. Mr. Ross and Mr. Cramer were advised of their right to appeal this decision to the full Board if they so desired.

**ITEM 2. DISCUSSION REGARDING WHETHER TO SUBMIT REQUEST TO THE BOARD OF SUPERVISORS TO ADOPT RESOLUTION OF INTENTION TO AMEND TITLE 19 ZONING AS IT RELATES TO ALLOWING SMALL BUSINESSES/COTTAGE INDUSTRY IN NON-COMMERCIAL ZONE DISTRICTS--District V Supervisor**

(Present: Susan Grijalva, Planning Department; Mike Israel and Lance Salisbury, Environmental Health)

Supervisor Oneto said he would like to see cottage industries and some types of small businesses be allowed under a use permit in residential areas. Supervisor Boitano said it would be a good idea to have business licenses and a use permit because issues would need to be considered; such as, the compatibility of delivery vehicles in residential areas.

Susan Grijalva said input from other departments would need to be collected and parameters and limitations would need to be set. Her concern right now is time. With the General Plan being updated, numerous County codes have to be updated. Changes will have to be made in the Home Occupation regulations because things have changed since it was written and unforeseen situations need to be addressed. This summer the Planning Department, as well as other Departments, will need to start the process of updating codes that go along with the adoption of the new General Plan. It might be appropriate to address this matter as part of the General Plan update.

**Committee Action:** The Committee asked the Planning Department to add this matter to their "to do" file and consider this proposal of allowing small businesses/cottage industry in non-commercial zone districts when reviewing the zone code in its entirety.

The meeting adjourned at 10:25 a.m.

